

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MARIO ORTEGA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 4:18-cv-01576-DDN
	)	
CITY OF SAINT LOUIS, MISSOURI, et al.,	)	
	)	
Defendants.	)	

**MOTION TO ENFORCE SETTLEMENT AGREEMENT**

Plaintiff moves to enforce the settlement agreement and requests attorneys' fees and costs for having to file this motion. In support of this motion, Plaintiff states the following:

1. On April 11, 2022, the parties conducted a mediation in this case and reached an agreement with the assistance of the Court-appointed mediator.
2. On August 15, 2022, the parties finally executed a settlement agreement memorializing the terms of the agreement reached by the parties at the mediation.
3. Pursuant to the settlement agreement, City agreed to send payment "within thirty (30) calendar days of the parties executing this agreement."
4. The payment was due on September 14, 2022.
5. Plaintiff has not received the payment.
6. On September 16, 2022, during a mediation in a related case, Plaintiff's counsel asked the same Court-appointed mediator to ask Defendants about the status of the settlement check because the same mediator was involved in the resolution of this case. Defendants' counsel refused to discuss the matter with the mediator.

7. Despite Plaintiff's request for an update, Defendants have not provided any updates regarding the status of the outstanding payment.

WHEREFORE, for the reasons stated above and in the accompanying memorandum of law, Plaintiff respectfully requests the Court to enter an order compelling Defendants to deliver the full payment to undersigned counsel no later than September 23, 2022, and to award Plaintiff attorneys' fees and costs for the filing of this motion. If Defendants fail to make that payment, Plaintiff respectfully requests the Court to issue order demanding Defendants show cause why they should not be held in contempt.

Date: September 19, 2022

Respectfully submitted,

KHAZAELI WYRSCH LLC

/s/ James R. Wyrsh

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